

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

**JASEN NICKMAN and MINERVA
LAVERNE MONGER, husband and
wife,**

Plaintiffs,

v.

**MICHAEL CHERTOFF, Secretary,
United States Department of
Homeland Security; EMILIO
GONZALEZ, Director, United States
Citizenship and Immigration
Services; F. GERARD HEINAUER,
District Director, United States
Citizenship and Immigration Services
in Omaha, Nebraska,**

Defendants.

CASE NO. 8:09CV05

**ORDER
OF DISMISSAL**

This matter is before the Court on the Motions to Dismiss (Filing Nos. 6 and 8) filed separately by the Defendants and the Plaintiffs. Having reviewed the motions, I find that the Plaintiffs' motion should be granted and that the matter should be dismissed under Fed. R. Civ. P. 41(a) without prejudice. Accordingly,

IT IS ORDERED:

1. Plaintiff's Motion to Dismiss (Filing No. 8) is granted;
2. The Complaint is dismissed without prejudice;
3. The Defendants' Motion to Dismiss (Filing No. 6) is denied as moot; and
4. The parties shall pay their own costs and attorney fees.

DATED this 4th day of February, 2009.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge